



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1170

Introduced 02/08/11, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

225 ILCS 640/8	from Ch. 121 1/2, par. 215
510 ILCS 30/5	from Ch. 8, par. 138
510 ILCS 30/6.1	from Ch. 8, par. 139.1
510 ILCS 30/6.3	from Ch. 8, par. 139.3
510 ILCS 95/1.7	from Ch. 8, par. 148f.7
510 ILCS 95/2	from Ch. 8, par. 148g
510 ILCS 95/3	from Ch. 8, par. 148h
510 ILCS 95/4	from Ch. 8, par. 148i
510 ILCS 95/5	from Ch. 8, par. 148j
510 ILCS 30/1.9 rep.	

Amends the Illinois Bovine Brucellosis Eradication Act. Provides that cattle consigned to livestock auction markets or marketing centers in Illinois may enter such markets without test or certificate of health showing them to be free from Brucellosis, however, the Department may require that these animals must be negative to an official test for Brucellosis before they are removed to an Illinois farm. Makes other corresponding changes. Amends the Illinois Swine Brucellosis Eradication Act. Provides that no person may market any swine over 4 months of age unless such swine are accompanied by an official Brucellosis testing certificate or the swine originated from a validated Brucellosis-free herd or originated from a Validated Brucellosis-free Area. Makes other corresponding changes. Amends the Livestock Auction Market Law to make corresponding changes. Effective immediately.

LRB097 09048 CEL 49182 b

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Livestock Auction Market Law is amended by
5 changing Section 8 as follows:

6 (225 ILCS 640/8) (from Ch. 121 1/2, par. 215)

7 Sec. 8. Each livestock auction market shall, except on days
8 when all livestock is consigned direct for immediate slaughter
9 and except for sales restricted to equidae, be under the direct
10 supervision of an accredited veterinarian approved by the
11 Department and each licensed livestock auction market
12 designated as a marketing center shall, except on days when all
13 livestock is consigned direct for immediate slaughter and
14 except for sales restricted to equidae, be under the direct
15 supervision of an accredited veterinarian approved by the
16 Department. Except as otherwise provided in this Act and by
17 regulations, no livestock known to be infected with or known to
18 have been exposed to any contagious, infectious, or
19 communicable animal disease or infestation shall be consigned
20 to or sold through any livestock auction market. The
21 veterinarian shall examine or inspect all livestock that is
22 offered for sale and shall prohibit the sale of any animals
23 which in his opinion are diseased or which are likely to be

1 carriers of disease, and shall quarantine such animals when
2 necessary. The veterinarian shall also issue or cause to be
3 issued all necessary quarantines for livestock sold through
4 such markets. The name and address of the purchaser of any
5 livestock sold under or subject to quarantine, together with
6 the description and number of head of the livestock shall be
7 reported to and filed with the Department within 48 hours from
8 date of sale. The veterinarian shall supervise the cleaning and
9 disinfecting of the yards and pens following each sale or at
10 such other times as may be necessary. Except as otherwise
11 provided in this Act, no female cattle or bulls more than 6
12 months of age shall be sold through a livestock auction market,
13 except for slaughter, unless such cattle (a) are in compliance
14 with the provisions of "An Act in relation to the eradication
15 of bovine brucellosis among domestic cattle", approved July 12,
16 1939, as amended or (b) are female cattle of the beef breeds
17 over 6 and under 18 months of age released on permit subject to
18 the livestock quarantine regulations of the Department for
19 feeding or grazing purposes only consigned direct from the farm
20 to the livestock auction market or shipped direct to the
21 livestock auction market from other states, livestock auction
22 markets, or marketing centers ~~or public stockyards~~ within the
23 State in accordance with Illinois statutory requirements to be
24 sold through the livestock auction market without test for
25 brucellosis or tuberculosis.

26 Bulls over 18 months of age, springer heifers and cows, or

1 heifers and cows with calves, are classed as breeding cattle
2 and as such shall comply with the requirements governing
3 breeding cattle.

4 Calves under 3 months of age of all breeds, not with their
5 dams, may enter the State of Illinois without test for
6 tuberculosis ~~or brucellosis~~ if they are consigned to a licensed
7 livestock auction market to be sold for immediate slaughter.

8 Under the provisions of this Act, the Department of
9 Agriculture is authorized to make rules and regulations
10 permitting or requiring the sale through livestock auction
11 markets, for immediate slaughter only, of any cattle which upon
12 being tested for brucellosis react to an official test for
13 brucellosis.

14 Livestock auction markets handling livestock during
15 inclement weather shall be equipped with facilities for housing
16 the livestock during such inclement weather. If livestock is
17 held on the premises for more than 10 hours, facilities for
18 feeding and watering the livestock shall be provided. The
19 yards, pens, and premises where livestock is held or handled
20 shall be regularly cleaned and disinfected for the purpose of
21 preventing infectious, contagious, and communicable animal
22 diseases.

23 In case any livestock auction market shall sell livestock
24 by weight, the scales upon which such livestock is weighed
25 shall be regularly inspected and tested.

26 (Source: P.A. 89-463, eff. 5-31-96.)

1 Section 10. The Illinois Bovine Brucellosis Eradication
2 Act is amended by changing Sections 5, 6.1, and 6.3 as follows:

3 (510 ILCS 30/5) (from Ch. 8, par. 138)

4 Sec. 5. When one or more animals in a herd have been
5 classified as reactors to an official test, the entire herd,
6 except steers, spayed heifers and calves under 6 months of age,
7 shall be quarantined immediately and the owner so notified. An
8 accredited veterinarian or a veterinarian in the employ of the
9 Animal and Plant Health Inspection Service of the United States
10 Department of Agriculture, or any successor agency, shall
11 permanently hot iron brand each animal classified as a reactor,
12 within 15 days after classification of such animal as a
13 reactor, on the left hip with the letter "B", such letter to be
14 not less than 2 nor more than 3 inches in height, and shall
15 place a special identification tag in the left ear of such
16 reactor. The veterinarian applying an official test for
17 brucellosis shall immediately notify the Department of each
18 such reactor on forms furnished by the Department, giving the
19 number of the tag placed in the left ear and the number of any
20 tag in the right ear. Reactors shall be shipped for slaughter
21 within 30 days of test date, except that the Department may,
22 upon request, grant an extension of not more than 30 days.
23 Suspect animals which have a history of having aborted and are
24 from a herd containing reactors may be designated as reactors

1 by the veterinarian obtaining the blood samples, when approved
2 by the Department. Suspect animals in herds under quarantine
3 due to brucellosis infection may be designated as reactors by
4 the Department if deemed advisable in the interest of
5 brucellosis eradication. No person shall remove any reactor
6 identification tag.

7 All animals classified as suspects to an official test
8 shall be positively identified and their movement restricted to
9 the premises where found until they are retested and found
10 negative, or identified as reactors.

11 Animals with a positive result to an official test at
12 livestock auction markets or marketing centers may be
13 slaughtered or returned to the herd of origin only by permit
14 and must remain under quarantine for further evaluation.

15 (Source: P.A. 95-93, eff. 8-13-07; 95-335, eff. 8-21-07.)

16 (510 ILCS 30/6.1) (from Ch. 8, par. 139.1)

17 Sec. 6.1. Shipping of dairy or breeding cattle. The
18 Department may require that no ~~No~~ dairy or breeding cattle more
19 than 6 months of age shall be shipped from any livestock
20 auction markets or marketing centers ~~public stockyards~~ in
21 Illinois consigned to any point within the State unless they
22 are accompanied by a certificate of health issued by an
23 accredited veterinarian or a veterinarian employed by the
24 Animal and Plant Health Inspection Service of the United States
25 Department of Agriculture, or any successor agency, showing

1 them to have been negative to an official test for brucellosis
2 prior to release from such public stockyards or be under 24
3 months of age for beef breeds and 20 months of age for dairy
4 breeds and accompanied by a record of official brucellosis
5 calfhood vaccination.

6 Cattle consigned to livestock auction markets or marketing
7 centers ~~public stockyards~~ in Illinois may enter such livestock
8 auction markets or marketing centers ~~public stockyards~~ without
9 test or certificates of health showing them to be free from
10 brucellosis, however, the Department may require that these
11 animals must be negative to an official test for brucellosis
12 before they are removed to an Illinois farm.

13 (Source: P.A. 90-192, eff. 7-24-97.)

14 (510 ILCS 30/6.3) (from Ch. 8, par. 139.3)

15 Sec. 6.3. Female cattle of the beef breeds over 6 and under
16 18 months of age, for feeding and grazing purposes only, may
17 enter the State or may be shipped from ~~public stockyards,~~
18 ~~marketing centers,~~ or auction markets within the State without
19 test for brucellosis. The Department may require that such ~~Such~~
20 ~~cattle be held~~ ~~are~~ under quarantine until they have passed a
21 negative brucellosis test and such test is reported to the
22 Department, or until a report of their disposal for slaughter
23 is made to the Department. They may be held in quarantine
24 without test during their feeding and grazing period, which
25 period shall not exceed 12 months from date of entry. Upon

1 application to the Department and at the discretion of the
2 Department such period may be extended for an additional period
3 not to exceed 90 days. When required by the Department, at ~~At~~
4 the expiration of the feeding and grazing period the cattle
5 shall be sold for immediate slaughter or tested for brucellosis
6 at the expense of the owner. The owner shall report such
7 disposition to the Department. Such cattle classified as
8 reactors to an official test for brucellosis shall be sold for
9 immediate slaughter and the owner shall report their disposal
10 to the Department.

11 (Source: P.A. 90-192, eff. 7-24-97.)

12 Section 15. The Illinois Swine Brucellosis Eradication Act
13 is amended by changing Sections 1.7, 2, 3, 4, and 5 as follows:

14 (510 ILCS 95/1.7) (from Ch. 8, par. 148f.7)

15 Sec. 1.7. Health certificate. "Health certificate" or
16 "certificate of health" or "interstate health certificate" or
17 "certificate of veterinary inspection" means a legible record,
18 made on an official form of the state of origin or the Animal
19 and Plant Health Inspection Service of the United States
20 Department of Agriculture or any successor agency and issued by
21 an accredited veterinarian of the state of origin or a
22 veterinarian in the employ of the Animal and Plant Health
23 Inspection Service of the United States Department of
24 Agriculture or any successor agency which shows that the

1 animals listed thereon meet the health requirements of the
2 state of destination. The health certificate shall contain the
3 name and address of the consignor, the name and address of the
4 consignee, and an accurate description and identification of
5 the animals by purebred registration number, registry
6 association approved individual tattoo, ear notch, or tag in
7 the right ear, and shall also indicate the health status of the
8 animals, including results and dates of required tests and
9 vaccinations, if any. A health certificate is valid for 30 days
10 from the date of issuance.

11 (Source: P.A. 89-154, eff. 7-19-95.)

12 (510 ILCS 95/2) (from Ch. 8, par. 148g)

13 Sec. 2. No person shall lease, loan, trade or sell any
14 swine 4 months of age and over for breeding purposes, or offer
15 or receive the services of any male swine for breeding
16 purposes, unless such swine are accompanied by an official
17 brucellosis testing certificate showing that the swine have
18 been tested by an accredited veterinarian within 60 days prior
19 to the date of such transaction and found free of Brucella
20 microorganisms; ~~or~~ or the swine originated ~~originate~~ from a
21 validated brucellosis-free herd or originated from a Validated
22 Brucellosis-free Area. Such test shall be recognized for one
23 change of ownership or premises only within the 60-day period.
24 Except as otherwise provided, a negative test shall be required
25 for each change of ownership or premises should a change of

1 ownership or premises occur within 60 days from date of test.

2 (Source: P.A. 76-226.)

3 (510 ILCS 95/3) (from Ch. 8, par. 148h)

4 Sec. 3. An official test for the intrastate movement of
5 swine, when required, shall be conducted by any official State
6 or Federal laboratory, except that an accredited veterinarian
7 may conduct such test when performing his official duties at a
8 livestock auction market ~~stockyards registered under the~~
9 ~~Packers and Stockyards Act~~ or at a marketing center that has
10 been approved by the U.S. Department of Agriculture under the
11 rules pertaining to an approved livestock facility. All such
12 tests shall be reported to the Department within 7 days of
13 completion, upon forms provided by the Department.

14 (Source: P.A. 91-457, eff. 1-1-00.)

15 (510 ILCS 95/4) (from Ch. 8, par. 148i)

16 Sec. 4. All breeding swine 4 months of age and over
17 entering Illinois for breeding or exhibition purposes shall be
18 accompanied by an official interstate health certificate,
19 issued by an accredited veterinarian of the state of origin,
20 showing that such swine meet the Illinois entry requirements
21 and are negative to an official test for brucellosis conducted
22 by an official laboratory of the state of origin within 30 days
23 prior to entry. However, swine from a validated
24 brucellosis-free herd or a Validated Brucellosis-free Area may

1 enter the State or be exhibited without a test for brucellosis
2 when accompanied by a certificate of health issued by an
3 accredited veterinarian of the state of origin or a
4 veterinarian employed by the Animal and Plant Health Inspection
5 Service of the United States Department of Agriculture or any
6 successor agency, showing such swine to have originated from a
7 Validated Brucellosis-free Area or validated Brucellosis-free
8 ~~brucellosis-free~~ herd and giving the validated herd
9 certificate number and anniversary date.

10 (Source: P.A. 86-231.)

11 (510 ILCS 95/5) (from Ch. 8, par. 148j)

12 Sec. 5. Illinois breeding swine 4 months of age and over
13 for exhibition within the State of Illinois shall meet all
14 requirements for exhibition purposes and shall also be
15 accompanied by an official ~~brucellosis~~ certificate of health
16 showing the swine to have been negative to an official test for
17 brucellosis conducted within 90 days of date of exhibition
18 unless such swine originate ~~are~~ from a validated
19 Brucellosis-free ~~brucellosis-free~~ or Validated
20 Brucellosis-free Area herd as provided in Section 4 of this
21 Act.

22 (Source: P.A. 76-226.)

23 (510 ILCS 30/1.9 rep.)

24 Section 20. The Illinois Bovine Brucellosis Eradication

1 Act is amended by repealing Section 1.9.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.